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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,253	10/27/2003	YiRen Hong	1229.006	4327
37421	7590	03/10/2005	EXAMINER	
WAX LAW GROUP 2118 WILSHIRE BOULEVARD, SUITE 407 SANTA MONICA, CA 90403				COMAS, YAHVEH
ART UNIT		PAPER NUMBER		
		2834		

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/695,253	YIREN HONG
	<b>Examiner</b>	<b>Art Unit</b>
	Yahveh Comas	2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 2, 9, 10, 17 and 18 are rejected under 35 U.S.C. 102(a) as being anticipated by Katahara U.S. Patent No. 6,407,882.

Katahara discloses a spindle motor comprising a rotatable component defining a bearing gap and relatively rotatable with a stationary component, a base plate affixed to the stationary component, a stator (24), affixed to the stationary component, for generating an electromagnetic force that interacts with the rotatable component (23) and drives the rotatable component, wherein the stator (24) and the base plate define a separation there between; and a bonding substance (41), formed about at least a portion of the stator, filling at least a portion of the separation and uniting the base plate and the stator (24). Also the axial thickness of the base plate is minimized adjacent to the separation.

2. Claims 1, 5, 9, 13 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Dunfield et al. U.S. Patent No. 5,774,974.

Dunfield discloses a spindle motor comprising a rotatable component defining a bearing gap and relatively rotatable with a stationary component, a base plate affixed to the stationary component, a stator (50), affixed to the stationary component, for generating an electromagnetic force that interacts with the rotatable component (76) and drives the rotatable component, wherein the stator (50) and the base plate define a separation there between; and a bonding substance (78), formed about at least a portion of the stator, filling at least a portion of the separation and uniting the base plate and the stator (50). The bonding substance further unites a motor seal (40) affixed to the base.

3. Claims 1, 3, 7, 9, 11, 15, 17, 19 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuwert et al. U.S. Patent No. 5,986,365.

Kuwert discloses a spindle motor comprising a rotatable component defining a bearing gap and relatively rotatable with a stationary component, a base plate affixed to the stationary component, a stator (8), affixed to the stationary component, for generating an electromagnetic force that interacts with the rotatable component (3) and drives the rotatable component, wherein the stator (8) and the base plate define a separation there between; and a bonding substance (16), formed about at least a portion of the stator, filling at least a portion of the separation and uniting the base plate and the stator (8). A portion of the base plate adjacent to the separation defines an

opening that is substantially filled with the bonding substance, and the bonding substance (16) forms a contiguous base plate.

4. Claims 1, 8, 9, 16, 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Takeda et al. U.S. Patent No. 6,104,114.

Takeda discloses a spindle motor comprising a rotatable component defining a bearing gap and relatively rotatable with a stationary component, a base plate affixed to the stationary component, a stator (132), affixed to the stationary component, for generating an electromagnetic force that interacts with the rotatable component (126) and drives the rotatable component, wherein the stator (132) and the base plate define a separation there between (138), and a bonding substance, formed about at least a portion of the stator, filling at least a portion of the separation and uniting the base plate and the stator (132) (see fig. 7). A portion of the stator is positioned below an adjacent surface of the base plate, wherein the base plate has a varied axial thickness.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwert et al. U.S. Patent No. 5,986,365.

Kuwert discloses the claimed invention except for the thermally conductive epoxy comprises one of TC-2707 and DP-190. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a thermally conductive epoxy comprising one of TC-2707 or DP-190, since it has been held to be within the general skill of the worker in the art to select a known material on the basis of its suitability for intended use as matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

6. Claims 6, 14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katahara U.S. Patent No. 6,407,882.

Katahara discloses the claimed invention except for the axial thickness of at least a portion base is in the range of 0.1mm to 0.3mm. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide axial thickness of at least a portion base is in the range of 0.1mm to 0.3mm, in order to optimize performance of the machine, and because it has been held that merely optimized known dimensions is within the ordinary skill in the art. (See *In re Aller*, 105 USPQ 233.)

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yahveh Comas whose telephone number is (571) 272-2020. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YC

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TECHNOLOGY CENTER 2800